

Assembly Bill No. 2131

CHAPTER 226

An act to add Section 54.25 to the Civil Code, relating to peace officers.

[Approved by Governor August 1, 2008. Filed with
Secretary of State August 1, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2131, Niello. Peace officers and firefighters: canine units.

Existing law provides that individuals with disabilities are entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, as specified. Existing law also permits disabled individuals to be accompanied in those places by guide dogs, signal dogs, or service dogs without paying an extra charge. Existing law provides that any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation, who prevents a disabled person from exercising, or interferes with a disabled person in the exercise of, the rights to have with him or her a specially trained guide dog, signal dog, or service dog, as specified, is guilty of a misdemeanor, punishable by a fine not exceeding \$2,500.

This bill would provide that a peace officer or firefighter assigned to a canine unit, who is assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog.

This bill would provide that any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation, that prevents a peace officer or firefighter from exercising, or interferes with the exercise of, specified rights, is subject to a civil fine not exceeding \$1,000.

The bill would state the intent of the Legislature with regard to access by a peace officer or firefighter with a trained service dog to lodging, eating establishments, and public transportation, during a declared emergency.

The people of the State of California do enact as follows:

SECTION 1. Section 54.25 is added to the Civil Code, to read:

54.25. (a) (1) A peace officer or firefighter assigned to a canine unit assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her duties shall not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog. However, the peace officer's law enforcement agency or the firefighter's fire agency shall be liable for any damages to the premises or facilities caused by the peace officer's or firefighter's dog.

(2) Any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation that prevents a peace officer or a firefighter assigned to a canine unit and his or her dog from exercising, or interferes in the exercise of, the rights specified in this section is subject to a civil fine not exceeding one thousand dollars (\$1,000).

(b) (1) For purposes of this section, a "peace officer's or firefighter's dog" means a dog owned by a public law enforcement agency or fire department and under the control of a peace officer or firefighter assigned to a canine unit that has been trained in matters including, but not limited to, discovering controlled substances, explosives, cadavers, victims in collapsed structures, and peace officer on-command searches for suspects and victims at crime scenes.

(2) "Declared emergency" is any emergency declared by the President of the United States, the Governor of a state, or local authorities.

(c) Nothing in this section is intended to affect any civil remedies available for a violation of this section.

(d) This section is intended to provide accessibility without discrimination to a peace officer or firefighter with a trained, public-owned dog in hotels, lodging places, eating establishments, and public transportation during declared emergencies.